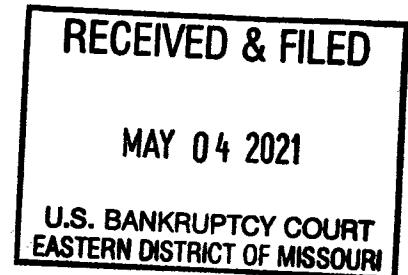


2021 U.S. Bankruptcy Court
Eastern District of Missouri
Case No. 21-04013-169

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:)
)
JEFFREY M. MIZE,) Case No. 21-04013-169
)
Plaintiff,)
vs.)
)
ROBERT C. DRACE,)
)
Defendant.)



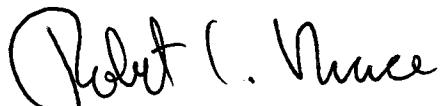
MOTION TO DISMISS ADVERSARY COMPLAINT

COMES NOW Defendant Robert C. Drace, pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure and Rule 12(b)(6) of the Federal Rules of Civil Procedure and for his Motion to Dismiss states:

1. The underlying case has been dismissed by this Court on May 3, 2021.
2. As a general rule, dismissal of the bankruptcy proceeding results in dismissal of related proceedings. In re: *Morris*, 950 F.2d 1531, 1534-35 (11th Cir. 1992).
3. This Court may (within its discretion,) retain jurisdiction over an adversary proceeding if the matter is consistent with the principals of pending jurisdiction. *Celotex Corp. v. Edwards*, 514 US 300, 307, 115 S. Ct. 1493, 131 L. Ed. 2d 403 (1995).
4. That generally matters the Court retains jurisdiction over "typically involve retention for the purpose of vindicating the Court's own authority and to enforce its own orders." *Norwood v. Select Portfolio Servicing, Inc.*, (In re: Norwood) 2008 WL 660071, at 1 (Bankr. E.D. Tenn. March 10, 2008) (Citing In re: *Burgner*, 218 B.R. at 414; In re: *Skaggs*, 183 B.R. 129, 131 (Bankr. E.D. Ky. 1998)).

5. If this Court decides to retain jurisdiction, then the complaint should be dismissed for failure to comply with the Federal Rules of Bankruptcy and Civil Procedure because the complaint fails to set forth any facts in a precise and concise manner. In fact, the complaint is filled with argument and conclusions of law instead of the required concise statements of facts as required under Federal Rules of Civil Procedure 8(a) and as made applicable by Federal Rules of Bankruptcy Procedure 7008(a). As such, other than a general denial, Defendant cannot answer the complaint as written and it fails to state a claim upon which relief can be granted.

WHEREFORE, Defendant prays this Court dismiss Plaintiff's Complaint at Plaintiff's costs.



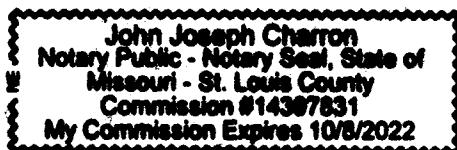
ROBERT DRACE
Movant

STATE OF MISSOURI)
)
) ss.
COUNTY OF ST. LOUIS)

On this 4 day of MAY, 2021, before me personally appeared Robert Drace, who, being duly sworn upon his oath, did state that the facts and matters aforesaid are true and correct to the best of his knowledge, information and belief.


Notary Public

My Commission Expires:



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 4, 2021, a true and correct copy of Defendant, Robert C. Drace's Motion to Dismiss Adversary Complaint was filed electronically with the Clerk of the Court to be served upon all parties requesting notice, served via email to Stephen Coffin, Chapter 11 Trustee at scoffin52@gmail.com, Joseph Schlotzhauer, US Trustee at joseph.schlotzhauer@usdoj.gov, James Cole at jcole@wasingerdamning.com, Steven P. Kuenzel at steve@eckelkampkuenzel.com, Robert Fox at rfox@stlouisiso.com, Missouri Dept. of Revenue, JoAnne Talluer at joanne.talluer@mo.dor.gov, Criswell Casket Co., Thomas Adamczyk at tadamczyk@matz.com, MSD, Karen McDowell at kmcdow@stlmsd.com, Carmody MacDonald, PC, Thomas Riske at thr@carmodymacdoneld.com, Chase Card Member Services, David Levy, Robertson, Anshutz & Schneid, P.L. at chasepocnotification@rasflaw.com, Angela Redden-Jansen at amredden@swbell.net, and Ameren, Janie S. Hovis at jhovis2@ameren.com, Internal Revenue Service at sbse.cio.bnc.mail.@irs.gov, and via first class mail, postage prepaid, to all parties listed below at the addresses designed:

Ameren UE

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P. O. Box 644559
Pittsburgh, PA 15264-4559

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7305 Manchester Rd.
St. Louis, MO 63143

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4975 West Main St.
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Deborah L. Drace

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Jefferson City, MO 65105

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Louisville, KY 40290-1099

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Sams Club MC/SYNCB
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Spire
Drawer 2
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The National Directory of Mortuaries
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Chagrin Falls, OH 44022-0073

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